

SENATE BILL 940

E2

11r2995

By: **Senator Conway**

Introduced and read first time: February 28, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Bail Bonds – Time of Payment**

3 FOR the purpose of allowing a defendant in a circuit court or the District Court or a
4 private surety acting for the defendant who posts a bail bond in an amount that
5 is a certain percentage of the penalty amount to deposit with the agent of the
6 surety part of the amount immediately on posting bail and the other part within
7 a certain time after the first part of the amount is deposited; and generally
8 relating to bail bonds.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 5–203(a) and 5–205(b)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Criminal Procedure**

17 5–203.

18 (a) (1) Subject to paragraph (2) of this subsection, a circuit court may
19 adopt rules setting the terms and conditions of bail bonds filed in that court and rules
20 on the qualifications of and fees charged by bail bondsmen.

21 (2) **(I)** Notwithstanding any other law or rule to the contrary, if
22 expressly authorized by the court, a defendant or a private surety acting for the
23 defendant may post a bail bond by executing it in the full penalty amount and
24 depositing with the clerk of court the greater of 10% of the penalty amount or \$25.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) A DEFENDANT OR A PRIVATE SURETY ACTING FOR THE**
2 **DEFENDANT WHO POSTS A BAIL BOND IN AN AMOUNT THAT IS 10% OF THE**
3 **PENALTY AMOUNT MAY DEPOSIT WITH THE AGENT OF THE SURETY HALF OF THE**
4 **AMOUNT IMMEDIATELY ON POSTING BAIL AND THE OTHER HALF WITHIN 6**
5 **MONTHS AFTER THE FIRST HALF OF THE AMOUNT IS DEPOSITED.**

6 (3) A bail bond commissioner may be appointed to carry out rules
7 adopted under this section.

8 (4) A violation of a rule adopted under this section is contempt of court
9 and shall be punished in accordance with Title 15, Chapter 200 of the Maryland Rules.

10 (5) A person may not engage in the business of becoming a surety for
11 compensation on bail bonds in criminal cases unless the person is:

12 (i) approved in accordance with any rules adopted under this
13 section; and

14 (ii) if required under the Insurance Article, licensed in
15 accordance with the Insurance Article.

16 5–205.

17 (b) (1) This subsection does not apply to a defendant who has been
18 arrested for failure to appear in court or for contempt of court.

19 (2) (i) Notwithstanding any other law or rule to the contrary, in a
20 criminal or traffic case in the District Court in which a bail bond has been set and if
21 expressly authorized by the court or District Court commissioner, the defendant or a
22 private surety acting for the defendant may post the bail bond by:

23 1. executing it in the full penalty amount; and

24 2. depositing with the clerk of the court or a
25 commissioner the greater of 10% of the penalty amount or \$25.

26 (ii) A judicial officer may increase the percentage of cash surety
27 required in a particular case but may not authorize a cash deposit of less than \$25.

28 **(III) A DEFENDANT OR A PRIVATE SURETY ACTING FOR THE**
29 **DEFENDANT WHO POSTS A BAIL BOND IN AN AMOUNT THAT IS A PERCENTAGE**
30 **OF THE PENALTY AMOUNT MAY DEPOSIT WITH THE AGENT OF THE SURETY HALF**
31 **OF THE AMOUNT IMMEDIATELY ON POSTING BAIL AND THE OTHER HALF WITHIN**
32 **6 MONTHS AFTER THE FIRST HALF OF THE AMOUNT IS DEPOSITED.**

1 (3) On depositing the amount required under paragraph (2) of this
2 subsection and executing the recognizance, the defendant shall be released from
3 custody subject to the conditions of the bail bond.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2011.